S.B. Cr. II Bail Application No. 5553/2007
(Ramchandra Vs. State of Rajasthan)

Date of order : 04.12.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. R.K.Charan for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that the occurrence is of the night of 25.6.2007 whereas the complaint was filed on 11.7.2007. It is further contended that there is discrepancy in the statement of the mother and injured so far as the evidence of weapon used. The injured stated that the petitioner was armed with Lathi, whereas the mother stated that the petitioner was armed with Dharia and inflicted injury from the blunt side of the weapon.

Learned public prosecutor submits that soon after the occurrence the injured was taken to the hospital i.e. CMC, Dungla and after giving him the primary treatment, he was referred to a higher center i.e. M.B. Hospital, Udaipur and thereafter he was taken to Udaipur and got admitted where he underwent the treatment and was operated. The operation note has been placed on record.

Though the earlier bail application was dismissed as not pressed but the very material was available at the time of dismissal of the earlier bail application. Even from the perusal of the medical evidence and the operation note, in my view, at this

stage, it is not a fit case to release the petitioner on bail. The second bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed. However, it is open for the petitioner to move a fresh bail application after the statement of injured Kailash is recorded by the trial court. The trial court shall record the statement of Kailash on priority basis.

(H.R.PANWAR), J.

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